

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**AMERICAN BONDING COMPANY, INC.,**

**Plaintiff,**

**v.**

**Case No. 2:10-CV-0441  
JUDGE EDMUND A. SARGUS, JR.  
MAGISTRATE JUDGE MARK R. ABEL**

**AMERICAN CONTRACTORS INDEMNITY  
COMPANY,**

**Defendant.**

**ORDER**

Presently before the Court is Motion by Counter-Claimant American Contractors Indemnity Company ("ACIC") to Strike Portions of Counter-Defendant American Bonding Company's ("ABC") Answer to Counterclaim Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure (Doc. 45). This motion was filed before Plaintiff ABC filed its Second Amended Complaint (Doc. 71) on December 6, 2011. Thereafter, Defendant-Counter-Claimant ACIC filed its Answer to the Second Amended Complaint and Counterclaim against Plaintiff-Counter-Defendant ABC (Doc. 76). Plaintiff-Counter-Defendant ABC then filed its Answer to Defendant-Counter-Claimant ACIC's Answer to the Second Amended Complaint and Counterclaim (Doc. 78). On January 13, 2011, Defendant-Counter-Claimant ACIC moved for summary judgment on its counterclaim (Doc. 79). Accordingly, the previous Motion by Counter-Claimant ACIC to Strike Portions of Counter-Defendant ABC's Answer to Counterclaim (Doc. 45) is **DISMISSED as MOOT**.

**IT IS SO ORDERED.**

1-31-2012  
**DATED**

  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**